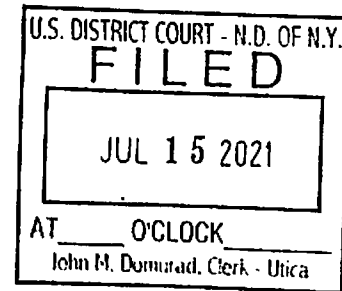


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK



CAMERON CATES)
)
Plaintiff,)
)
vs.)
)
JARED SHLEMOVITZ, d/b/a)
JUNTO SOUNDS,)
PROCTER & GAMBLE CORPORATION,)
d/b/a/ FEBREZE,)
GREY ADVERTISING CORPORATION,)
WPP GROUP USA INCORPORATED)
)
Defendants.)
_____)

CIVIL CASE NO.: 3:21-CV-0805
(LEK/mL)

COPYRIGHT INFRINGEMENT
PURSUANT TO TITLE 17
U.S. COPYRIGHT CODE
§ 501

Plaintiff demands a trial by: JURY

Plaintiff in the above-captioned action, alleges as follows:

JURISDICTION

1. This is a civil action seeking relief and damages to defend and protect the rights guaranteed by the Constitution of the United States.

2. This action is brought pursuant to Title 17 U.S. Copyright code § 501.

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338 (a) (Copyrights).

4. This Court is the proper venue pursuant to 28 U.S.C. § 1391 (b) (2).

PARTIES

5. Plaintiff: Cameron Cates
Address: 290 Humphrey Road
South New Berlin, Chenango County, New York, 13343

6. a. Defendant: Jared Shlemovitz
Official Position: Production Manager,
Founder, d/b/a Junto Sounds.

Address: 55 Bethune Street
New York, Greenwich Village, New York, 10014

7. b. Defendant: Procter & Gamble Corporation
Official Position: d/b/a "FEBREZE" Brand.
Address: 1 Procter & Gamble Plaza
Cincinnati, Ohio, 45202

8. c. Defendant: Grey Advertising Corporation
Official Position: Worldwide Chief Executive
Office, Grey Group, Advertisers.

Address: 200 Fifth Avenue
New York, New York, 10010

9. d. Defendant: WPP Group USA Incorporated
Official Position: A holding company for
Grey Advertising Corporation.

Address: 3 World Trade Center
Greenwich Street, New York, New York, 10007

FACTS

10. Cameron Cates is a multi-disciplined and
nationally published artist.

11. Early in Mr. Cates' career, Autumn of 1982, he
composed the song "SHE LOVES HER JOB" (the "Infringed
Composition"). Mr. Cates attributes his inspiration to the
power of women to choose who they are and love what they do
and be admired for it. (A copy of this original manuscript
is attached hereto as Exhibit "A".)

12. The plaintiff set to work refining, rehearsing,
and recording a finished version of the Infringed Composition.

13. Plaintiff deposited his finished version of the Infringed Composition with the United States Library of Congress' Copyright Office. This finished sound recording was effectively registered on February 24, 1983 along with eight additional finished sound recordings by the Plaintiff compiled under the title "The songs I wrote in my spare time." The registration code is: PAu 484-226. (A copy of this registration is hereto attached as Exhibit "B".)

14. In early Spring 2021 it came to Plaintiff's attention that the Defendants and/or their agents reproduced, synchronized, distributed, and/or publicly performed (and/or caused to be reproduced, synchronized, distributed, and/or publicly performed) a substantial portion of the Infringed Composition without Plaintiff's authorization.

15. The substantial portion of the Infringed Composition is the five note melodic hook notated in the plaintiff's original manuscript measures five and six in sequence, sounding as the finished audio recording registered with the U.S. Copyright Office on February 24, 1983.

16. Defendant's five note "La, la, la, la, la." used in their Febreze ads since 2017 in televised, radio, and streaming commercial broadcasts is strikingly similar to Plaintiff's five note melodic hook in cadence, melody, and meaning. A sample of the Infringing ads may be viewed at: <https://www.ispot.tv/brands/dW2/febreze>.

17. Defendant's continued Infringement includes an album of eight songs for public consumption titled "The Freshness".

18. "The Freshness" album, consisting of eight multi-genre songs of pop, hip-hop, and rap, all contain the Infringed Composition.

19. "The Freshness" album, upon information and belief, was uploaded to the publicly accessible website Sound Cloud on March 11, 2019. This album may be streamed for listening at: <https://soundcloud.com/user-151564889/sets/the-febreze>.

20. Defendants do not have any license, authorization, permission, or consent to use the Infringed Composition.

FIRST CAUSE OF ACTION

Copyright Infringement

21. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 20., the same as if set forth herein.

22. This cause of action arises under the copyright laws of the United States and, in particular under 17 U.S.C. §§ 101, et seq. Through the conduct arrived herein, Defendants have infringed Plaintiff's copyrights in the Infringed Composition in violation of 17 U.S.C. 501.

23. Defendants have had knowledge of this Infringement, at least as of the delivery of Emails dated April 26, 2021, April 28, 2021, and a phone conversation with Grey Advertising Corporation's attorney Katrina Dibbini at 11:40 AM E.S.T., May 17, 2021.

24. Defendants' acts of Infringement are willful and in disregard of Plaintiff's rights.

25. As a direct and proximate result of the infringement by Defendants, Plaintiff is entitled to damages in an amount to be determined at trial.

26. Plaintiff is also entitled to Defendants' profits attributable to the infringement pursuant to 17 U.S.C. 504(b).

27. Plaintiff is further entitled to its attorney fees and costs pursuant to 17 U.S.C. 505.

PRAYER

Plaintiff prays for judgement against Defendants, jointly and severally, as follows:

1. For damages in such amount as may be found, or otherwise permitted by law.

2. For all profits of Defendants attributable to their infringement of Plaintiff's copyrights in the Infringed Composition.

3. For a permanent injunction prohibiting Defendants, and their respective agents, servants, employees, officers, successors, licensees, and assigns, and all persons acting in concert or participation with each or any of them, from continuing to infringe Plaintiff's copyrights in the Infringed Composition.

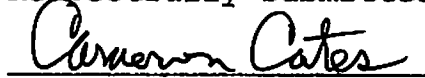
4. For prejudgement interest according to law.

5. For Plaintiff's attorneys' fees, costs and disbursements in this action.

6. For such additional relief as the Court may deem just and proper.

Dated: July 13, 2021

Respectfully submitted,



Cameron Cates

290 Humphrey Road

South New Berlin New York

13843

Tel.: (607) 334-2985

Fax: (607) 334-2985

Email: rcdco@frontiernet.net

Pro Se Plaintiff

Exhibit “A”

“A”

She Loves Her Job (and I Love her too)

Words & Music
C. Cates

♩ = 138
With a beat

Intro I' lueker So

3ut sledaent Know

oh oh oh She Loves her

oh oh oh She loves her Job oh oh oh she loves her

Job more than

To begin ning Cates

D Oct G A 3m En To C

4x (1+2)
2x (3)

COON D 12 C. Cates

Bm C4 D C Bm

Bm Bm D

2

soft



Exhibit “ B”

“B”

CERTIFICATE OF COPYRIGHT REGISTRATION

FORM PA

UNITED STATES COPYRIGHT OFFICE



This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

David Rada

REGISTER OF COPYRIGHTS
United States of America

REGISTRATION NUMBER	
PAU	484-226
PA	PAU
EFFECTIVE DATE OF REGISTRATION	
Feb	24 1983
(Month)	(Day) (Year)

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE CONTINUATION SHEET (FORM PA/CON)

1 Title	TITLE OF THIS WORK:	NATURE OF THIS WORK: (See instructions)
	"The songs I wrote in my spare time"	Words + Music
PREVIOUS OR ALTERNATIVE TITLES:		

2 Author(s)	IMPORTANT: Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). If any part of this work was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates blank.		
	1	NAME OF AUTHOR: Cameron Cates	DATES OF BIRTH AND DEATH: Born 54 Died (Year) (Year)
		Was this author's contribution to the work a "work made for hire"? Yes..... No...X	
		AUTHOR'S NATIONALITY OR DOMICILE: Citizen of U.S.A. } or { Domiciled in U.S.A. (Name of Country) (Name of Country)	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Yes..... No X Pseudonymous? Yes..... No X If the answer to either of these questions is "Yes," see detailed instructions attached.
	2	AUTHOR OF: (Briefly describe nature of this author's contribution) Words + Music of all the songs in the collated work	
		NAME OF AUTHOR:	DATES OF BIRTH AND DEATH: Born Died (Year) (Year)
		Was this author's contribution to the work a "work made for hire"? Yes..... No.....	
	3	AUTHOR'S NATIONALITY OR DOMICILE: Citizen of } or { Domiciled in (Name of Country) (Name of Country)	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Yes..... No Pseudonymous? Yes..... No If the answer to either of these questions is "Yes," see detailed instructions attached.
		AUTHOR OF: (Briefly describe nature of this author's contribution)	
		NAME OF AUTHOR:	DATES OF BIRTH AND DEATH: Born Died (Year) (Year)
	3	Was this author's contribution to the work a "work made for hire"? Yes..... No.....	
		AUTHOR'S NATIONALITY OR DOMICILE: Citizen of } or { Domiciled in (Name of Country) (Name of Country)	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Yes..... No Pseudonymous? Yes..... No If the answer to either of these questions is "Yes," see detailed instructions attached.
AUTHOR OF: (Briefly describe nature of this author's contribution)			

3 Creation and Publication	YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED:	DATE AND NATION OF FIRST PUBLICATION:
	Year 83 (This information must be given in all cases.)	Date: (Month) (Day) (Year) Nation: (Name of Country) (Complete this block ONLY if this work has been published.)

4 Claimant(s)	NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S):
	Cameron Cates 3340 Barker Ave. Bronx, N.Y. 10467
TRANSFER: (If the copyright claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.)	

PAu 484-226	EXAMINED BY: <u>YAB</u> CHECKED BY:	APPLICATION RECEIVED: 24 FEB 1983	FOR COPYRIGHT OFFICE USE ONLY
	CORRESPONDENCE: <input type="checkbox"/> Yes	DEPOSIT RECEIVED: 24 FEB 1983	
	DEPOSIT ACCOUNT FUNDS USED: <input type="checkbox"/>	REMITTANCE NUMBER AND DATE: 139106 FEB 24 83	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED ADDITIONAL SPACE, USE CONTINUATION SHEET (FORM PA/CON)

PREVIOUS REGISTRATION:

- Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office? Yes No ☒ **5**
- If your answer is "Yes," why is another registration being sought? (Check appropriate box)
 - ☐ This is the first published edition of a work previously registered in unpublished form.
 - ☐ This is the first application submitted by this author as copyright claimant.
 - ☐ This is a changed version of the work, as shown by line 6 of the application.
- If your answer is "Yes," give: Previous Registration Number Year of Registration

Previous
Registration

COMPILATION OR DERIVATIVE WORK: (See instructions)

PREEXISTING MATERIAL: (Identify any preexisting work or works that the work is based on or incorporates.)

This work incorporates all the songs that I have had recorded on tape. They are: "Blowing Like the Wind", "Cool Aid (for everyone)", "I Love Ya", "Bob For One", "Can't the world wait", "My mind's a mess", "Dreams come true", "Last Night", "Too Late", "She Loves Her Job".

MATERIAL ADDED TO THIS WORK: (Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.)

6
Compilation
or
Derivative
Work

DEPOSIT ACCOUNT: (If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.)

Name:

Account Number:

CORRESPONDENCE: (Give name and address to which correspondence about this application should be sent.)

Name: Cameron CatesAddress: 3340 Barker Ave.
Bronx N.Y. 10467
 (City) (State) (ZIP)
7
Fee and
Correspondence

CERTIFICATION: * I, the undersigned, hereby certify that I am the: (Check one)

☒ author ☐ other copyright claimant ☐ owner of exclusive right(s) ☐ authorized agent of: Cameron Cates
 (Name of author or other copyright claimant, or owner of exclusive right(s))
 of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

 Handwritten signature: (X) Cameron Cates
 Typed or printed name: Cameron Cates Date 2/22/83
8
Certification
(Application
must be
signed)MAIL
CERTIFICATE
TO(Certificate will
be mailed in
window envelope)**9**
Address
For Return
of
CertificateCameron Cates3340 Barker Ave.
Bronx N.Y. 10467
 (City) (State) (ZIP code)